IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.876 OF 2007
IN
SECOND APPEAL NO.958 OF 2006

Dhaniram Balkrishna Pardeshi ...Applicant

Versus

Shrirang Dharmu Chavant & Anr. ...Respondents

Shri Ajay Gadkari i/by Shri K.V.Saste for the Applicant.

Shri Uday Warunjikar for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : JULY 27, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The Second Appeal is admitted for final hearing. The impugned decree is for redemption of mortgage. By the impugned decree, the Appellant has been directed to execute and register the reconveyance deed and to hand over possession of the suit land. As the Second Appeal has been admitted, the decree will have to be stayed subject to compliance with certain conditions. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (c) subject to condition of the Applicant filing in this Court an undertaking in writing

that till the final disposal of the Second Appeal, he will not create any third party interests in respect of the suit property and he will not part with possession of the suit property.

(ii) If undertaking is not filed within the stipulated period of six weeks, the Application will stand dismissed for non prosecution without further reference to the Court.

(iii) There will be no orders as to costs.

(iv) Hearing of the Second Appeal is expedited.

JUDGE